Goyal describes, in the Abstract " A method and apparatus for communicating information in a network is described. A packet for the information is generated at a first network device. The first network device assigns a flow label to the packet. The flow lable indicates that the packet is part of a particular sequence of packets. The first network device also assigns a direction to the packet by, for example, setting a bit in the flow label. The packet is then sent to a second network device through at least one intermediate network device...." The goal of Goyal is described at column 3, lines 19-26, as "The embodiments of the invention explicitly identify a group of IP packets as belonging to a 'flow', and ensures that packets of a flow traverse the same sequence of routers..." At column 4, lines 46-48, Goyal states "... There are four aspects of constructing a flow: (1) declaring a name; (2) pinning the route (3) enabling reverse path routing, and (4) assigning attributes (such as QoS). "

At column 28, lines 28-30, Goyal states ".. The IPV6 flow label can be used to implement a flow in an IPv6 network..." At column 5, lines 53 – 54 "... Implementing the flow concept in MPLS is similar to that for IPv6. A sender uses a label to define a flow name..."

At column 7, lines 48-58, Goyal states "... a packet for the information is generated at a first network device at step 302. A flow label is assigned to the packet at step 304. A direction is assigned to the packet using the flow label at step 306. The packet is sent to a second network device through the network at step 308... With respect to step 306, an example of assigning a direction includes a flow label having a plurality of bits. *The first network device would indicate the direction* for the packet by modifying the flow label. The first bit of the flow label specifies whether it is source or destination unique, with a zero (0) implying a destination unique flow label, and a one (1) declaring a source unique flow label. Since the source and destination are also swapped ... the same address is used with the flow label to uniquely identify the flow..."

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Applicant's disagree with the Examiner's interpretation of the above text as supporting the element 'setting an indicator in the packet to indicate that the packet is labeled..." The 'indicator' cited in Goyal merely indicates the *direction* of the flow associated with the label, with a 0 being one direction, and a 1 being another direction. Such a teaching neither describes nor suggests that the 'indicator' is used to identify the packet as being labeled, as recited in the claims.

Rather, Goyal states, at column 10, lines 14-24 "... To create a new label path from a source (S) to a destination (D), S creates a datagram (or otherwise the protocol transfer unit of the protocol used on the default (signaling) path) allocates a new label and issues a path-request communicating a path request, the new label and the datagram... The path request could be a new router alert option (an extension header in IPV6), or could be communicated implicitly either on a signaling channel, or by interpreting a new (unknown) label as a path request..."
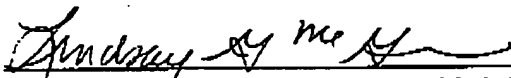
In any of the embodiments suggested by Goyal, there is no indication of 'an indicator' for indicating that the packet is a labeled packet. The limitation of 'an indicator' is now recited clearly in each of the independent claims, including claims 1, 9, 17, 24, 30, 37 and 44. Accordingly, for at least this reason, the independent claims are allowable over Goyal. Dependent claims 2-8, 10-16, 18-23, 26-29, 31-36, 38-43 and 45-49 serve to add further patentable limitations to their parent independent claims, and are therefore allowable with their parent independent claims.

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Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Lindsay G. McGuinness, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

3/8/2004
Date

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